

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GROSSMONT UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2014070714

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
NEW PREHEARING CONFERENCE
AND DUE PROCESS HEARING
DATES

On August 8, 2014, the parties filed a joint request for continuance in this matter. It is the first request filed by either party. The parties have been unable to agree on dates and therefore ask that OAH set the hearing within 90 days of the presently scheduled date, which is September 4, 2014. The parties have not requested a specific mediation date either. However, since mediation is voluntary and the parties have not provided a mutually agreeable date, OAH will not re-schedule the mediation date without confirmation from the parties that both are available for the mediation. If the parties wish to vacate the present mediation date and set a new date, they should contact OAH with a new proposed date.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	November 7, 2014, at 10:00 a.m.
Due Process Hearing:	November 17-20, 2014, at 1:30 p.m. first day, 9:00 a.m. other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: August 08, 2014

/s/
DARRELL LEPKOWSKY
Acting Presiding Administrative Law Judge
Office of Administrative Hearings